

108TH CONGRESS  
1ST SESSION

# S. CON. RES. 34

Calling for the prosecution of Iraqis and their supporters for war crimes,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 8, 2003

Mr. SPECTER (for himself and Mr. BIDEN) submitted the following concurrent  
resolution; which was referred to the Committee on Foreign Relations

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## CONCURRENT RESOLUTION

Calling for the prosecution of Iraqis and their supporters  
for war crimes, and for other purposes.

1       *Resolved by the Senate (the House of Representatives*  
2       *concurring)*, That it is the sense of Congress that—

3               (1) the governments of the United States, the  
4       United Kingdom, and other nations comprising the  
5       coalition conducting Operation Iraqi Freedom should  
6       ensure the prosecution by tribunal of persons in the  
7       Government of Iraq, persons in the armed forces of  
8       Iraq, and any other persons, regardless of nation-  
9       ality, who order, direct, solicit, procure, coordinate,  
10      participate in, or support acts in violation of the

1 international law of armed conflict (including the as-  
2 pects of such law set forth in the Hague and Geneva  
3 Conventions) that are directed at members of the  
4 armed forces of the coalition nations or at the people  
5 of Iraq or any other nation;

6 (2) in the determination of appropriate persons  
7 to be charged and tried by such tribunal on the  
8 basis of command responsibility for any violation,  
9 consideration should be given to identifying respon-  
10 sible persons throughout the full range of the chain  
11 of command, and not only persons within formal  
12 chains of command of the government and armed  
13 forces of Iraq, but also persons integral to any infor-  
14 mal link by which a person in the government of  
15 Iraq or the armed forces of Iraq, or any other per-  
16 son, directs paramilitary, political, or guerrilla  
17 forces;

18 (3) in the determination of appropriate persons  
19 to be charged and tried by such tribunal, consider-  
20 ation should also be given to identifying persons who  
21 use political position or mass media in any of the  
22 violations; and

23 (4) in the determination of the violations of the  
24 international law of armed conflict to be tried by the  
25 tribunal, particular attention should be given to acts

1 in the nature of those that, as of the date of this  
2 resolution, have already been committed by Iraqi di-  
3 rected forces, such as—

4 (A) the abuse of places protected from  
5 military attack under international law of  
6 armed conflict, such as the use of mosques and  
7 hospitals as military headquarters or for other  
8 military purposes;

9 (B) the ruse by which Iraqi combatants  
10 wear civilian clothing instead of, or over, uni-  
11 forms to conceal their status as combatants  
12 and, while so clothed, attack coalition forces, in-  
13 cluding by means of suicide bombing by which  
14 a combatant appearing to be a civilian operator  
15 of a car detonates explosives concealed in the  
16 car;

17 (C) the ruse by which Iraqi combatants  
18 feign surrender to coalition forces to gain ad-  
19 vantage used by the Iraqi combatants to attack  
20 personnel of the coalition forces;

21 (D) the use of civilians or other persons  
22 protected under international law of armed con-  
23 flict as human shields for Iraqi combatants on  
24 the battlefield;

1           (E) assault, murder, kidnapping, or tor-  
2           ture of civilians or other persons protected  
3           under international law in order to terrorize  
4           those persons or others or to prevent them from  
5           gaining the protection of coalition forces;

6           (F) abuse, torture, assault, or murder of  
7           personnel of coalition forces entitled to treat-  
8           ment as prisoners of war or of civilians entitled  
9           to a protected status under international law;  
10          and

11          (G) recruitment or encouragement of non-  
12          Iraqi foreign nationals to engage in violations of  
13          the international law of armed conflict.

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